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LETTER DATED 7 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Member of the Presidency of Bosnia and Herzegovina, and now Chair, Zivko Radisic, has informed the media that he had forwarded to the Security Council a letter alleging that NATO is, in violation, using the territory of Bosnia and Herzegovina for operations directed at the Federal Republic of Yugoslavia (Serbia and Montenegro). While the Mission has received a copy of that letter through media channels, we have not been forwarded such a letter through the proper channels nor have we been requested to do so.

Regardless of the fact that the letter directed by Mr. Radisic was not forwarded through the requisite channels, apparently some confusion has been created within Bosnia and Herzegovina and here at the United Nations. Member of the Presidency Alija Izetbegovic now directs the attached letter to the Security Council, which we have received through our Foreign Ministry, disputing Mr. Radisic's assertion regarding NATO and asserting that Mr. Radisic has violated the Rules of Procedure of the Presidency and Constitution of Bosnia and Herzegovina by forwarding such a formal communication without discussion within or authority from the Presidency as a whole.

It is not for this Permanent Representative to interject into a difference of view within the Presidency of Bosnia and Herzegovina. The Office of the High Representative has already voiced its opinion on at least one previous occasion disputing Mr. Radisic's unilateral action on behalf of the Presidency. That communication from the Office of the High Representative is also attached. Consistent with its diplomatic functions, the Permanent Mission will forward to the Secretary-General, the President of the Security Council and all other United Nations offices all properly directed communications, regardless of content. Disagreement regarding content will be up to the political institutions to address and hopefully resolve. Similarly though, it is most necessary that all communications to such United Nations offices, including the President of the Security Council, respect the requisite procedure.

We enclose the following documents for your review: the letter of the Chair of the Presidency of Bosnia and Herzegovina, Zivko Radisic, obtained through the media (see annex I); the letter in response of Alija Izetbegovic, forwarded through the Foreign Ministry and the Permanent Mission to the United

Nations (see annex II); and the evaluation of the High Representative, Ambassador Carlos Westendorp, forwarded to this office by the Office of the High Representative (see annex III).

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

Annex I

Letter of the Chair of the Presidency of Bosnia and Herzegovina obtained through the media

Sarajevo, 5 May 1999 (Serb News Agency-SRNA). Mr. Zivko Radisic, Chair of the Presidency of Bosnia and Herzegovina, has forwarded a letter today to Denis D. Rewaka, President of the Security Council, with the intention to draw to his attention "that NATO uses the territory, infrastructure and airspace of Bosnia and Herzegovina for committing aggression against the Federal Republic of Yugoslavia".

"The constitutional bodies of Bosnia and Herzegovina have not been consulted on this, nor has it been authorized by them", says Mr. Radisic in his letter which has been forwarded to SRNA, and continues: "Such conduct by NATO represents a violation of the Constitution of Bosnia and Herzegovina as well as usurpation of the authorities of its bodies".

In his letter Radisic warns Mr. Rewaka that NATO is using the Stabilization Force for committing its aggression against the Federal Republic of Yugoslavia, in contravention with its mandate, which has been established by the Security Council, and contrary to the spirit and letter of the Dayton Agreement, which represents, he assesses, even the usurpation of the authority of the United Nations Security Council.

"Such a conduct by NATO represents at the same time an attempt to drag the Security Council and the United Nations into committing aggression against the Federal Republic of Yugoslavia". In his letter, Mr. Radisic also invites the Security Council to take all the measures necessary in order to halt any engagement of force or infrastructure of the Stabilization Force for carrying out or assisting in the above-mentioned aggression, urging strict respect of the mandate of the Force and for consistent implementation of the Peace Agreement.

"Nations and citizens of Bosnia and Herzegovina know very well what war is and they will suffer the consequences of one for a long time. That is why I consider that Bosnia and Herzegovina must not be dragged into this war, nor can Bosnia and Herzegovina be involved in war against any other country", concluded Mr. Radisic in his letter forwarded to the President of the Security Council.

Annex II

Letter dated 6 May 1999 from a Member of the Presidency of Bosnia and Herzegovina addressed to the President of the Security Council

Last night I learned through media that Zivko Radisic, who is the Chair of the Presidency of Bosnia and Herzegovina from October 1998 to June 1999, addressed a letter to you alleging use of the territory of Bosnia and Herzegovina for the attacks against neighbouring Federal Republic of Yugoslavia (Serbia and Montenegro).

At the meeting of the Presidency of Bosnia and Herzegovina held yesterday, 6 May 1999, Mr. Radisic did not, in any context, raise this issue nor did he mention his intention to forward a letter to you with the above-mentioned allegation.

I would also like to underline that there is no evidence to corroborate the allegation of Mr. Radisic about using the territory of Bosnia and Herzegovina for strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro), nor has Mr. Radisic presented such evidence in his letter.

I do not know in what capacity Mr. Radisic signed the letter, but certainly he could not have signed it as Chair of the Presidency of Bosnia and Herzegovina, since, in accordance with the Constitution of Bosnia and Herzegovina, all decisions are reached by the Presidency as a whole. Hence, he could have only signed it in his personal capacity, and the fact that the letter was directly forwarded to you, bypassing the Ministry of Foreign Affairs of Bosnia and Herzegovina, in violation of established procedure, substantiates this assertion.

(Signed) Alija IZETBEGOVIC

Annex III

Letter dated 3 April 1999 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Chair of the Presidency of Bosnia and Herzegovina

I wanted to write to you personally and privately to let you know that I understand what a testing time this is for political leaders throughout Republika Srpska.

I understand the pressures you are under. I appreciate that this is a time when it will be necessary for opinions to be expressed forcefully and passionately. In a democracy, there is nothing wrong with that. Indeed a free flow of ideas and opinions is to be welcomed, even at times of political tension and crisis. It is natural that people should be free to air their opinions, and that is fine, as long as it is done peacefully and within the law.

This latter point is, however, of critical importance. Democracy cannot last unless it can operate under the rule of law - the rule of law which protects the rights and spells out the responsibilities of every citizen, which protects the weak against the strong, the expression of the minority view against that of the masses. The Constitution of the Republika Srpska provides legally enforceable safeguards for every citizen, and article 45 makes clear that those who fail to uphold the Constitution's provisions may be prosecuted under the relevant law. No one is above the law, however exalted their position in society. On the contrary, it is incumbent on political leaders across the spectrum to set an example by behaving at all times within the spirit and the letter of the law. It is the responsibility of all political leaders to honour that commitment.

This is a very important time for the Republika Srpska and Bosnia and Herzegovina as a whole. Most citizens of the Republika Srpska have, thus far, responded to events with commendable calm and a sense of perspective. I understand that many must be very concerned about friends and family in the Federal Republic of Yugoslavia. I hope that whatever the differences in the coming days and weeks, whatever the strength of feeling, it will be possible for citizens and leaders of the Republika Srpska to be united on one point: that the lawful freedoms spelled out in the Constitution matter now more than ever, and that they will be fully upheld. I am determined to work with you to ensure that they are.

In my press statement of 24 March 1999, I warned that I would remove officials and punish political parties whose members endanger the public and undercut peace and order by making inflammatory statements or inciting violence. In this respect, you should understand that I will hold you and your parties responsible, individually and collectively, for any negative fallout for the Republika Srpska that intemperate language might generate.

I am disturbed by the inflammatory statements which have already led to violence and actions against diplomatic missions in Banja Luka. I am outraged

by credible reports of threats to the lives of officials of the Republika Srpska, including "sentencing to death" for some of them. I wish to put parties on notice that the claim that a member or members may be acting independently will not serve to excuse the leadership, nor will it inhibit me from dealing severely with the parties as a whole.

I expect party leaders to ensure that their members or affiliates understand the penalties for threatening the security of individuals or violating the public peace and act accordingly.

(Signed) Carlos WESTENDORP
High Representative